

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MARY ELLEN BERRYMAN,

Plaintiff,

V.

WHEATON VAN LINES, INC., DAVI & VALENTI MOVERS, INC. and ABC CORPS, 1-10 (fictional business entities),

Defendants.

Civil No. 06-5679 (PGS)

ORDER

This matter comes before this Court on a motion to dismiss by Defendant Wheaton Van Lines, Inc., pursuant to Fed. R. Civ. P. 12(b)(6). The Court having considered the parties' briefs and supporting papers, and for the reasons set forth in the accompanying opinion; and for good cause shown

IT IS on this 2nd day of May, 2007;

ORDERED that defendants' motion to dismiss be and is hereby granted with prejudice as to Defendant Davi & Valenti Movers, Inc., and without prejudice as to Defendant Wheaton Van Lines, Inc.; and it is further

ORDERED that plaintiff is granted 20 days leave to amend its complaint to confirm with the Carmack Amendment (49 U.S.C. §14806, et seq.) as to Defendant Wheaton Van Lines, Inc.

May 2, 2007

s/Peter G. Sheridan
PETER G. SHERIDAN, U.S.D.J.